UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 20

JW MARRIOTT SAN FRANCISCO
UNION SQUARE HOTEL
Employer

and **Case 20-RC-250134**

UNITE HERE! LOCAL 2
Petitioner

DECISION ON PETITIONER'S OBJECTIONS AND NOTICE OF HEARING

Upon a petition filed on October 17, 2019[1], and pursuant to a Stipulated Election Agreement that I approved on October 28, Board agents conducted a secret-ballot election on November 14 among JW Marriott San Francisco Union Square Hotel's (Employer) employees in the following appropriate bargaining unit to determine whether they wish to be represented for the purposes of collective bargaining by UNITE HERE! Local 2 (Petitioner):

> All full-time and regular part-time guest room attendants, housepersons, lobby attendants, butlers, uniform attendants, cooks, stewards, purchasing & receiving clerks, banquet employees, restaurant servers, bartenders, dining room attendants, hosts, room service servers, AYS employees, bell and door staff, and concierge lounge employees employed by the Employer at its premises located at 515 Mason Street, San Francisco, California; excluding all other employees, front desk clerks, front desk concierges, night auditors, rooms controllers, loss prevention employees, valet employees, engineering and maintenance employees, marketing and sales employees, confidential employees, managers, guards, and supervisors as defined by the Act.

Upon the conclusion of the election, a Board agent counted the ballots and served a copy of the official *Tally of Ballots* (*Tally*) on the parties. The *Tally* shows that of the approximately 130 eligible voters, 46 votes were cast for, and 74 votes were cast against, the Petitioner, with 15 challenged ballots; an insufficient number to affect the results of the election.

[1] All dates refer to 2019 unless otherwise noted.

THE OBJECTIONS

On November 21, the Petitioner timely filed Objections to Conduct of the Election (Objections), and timely filed an offer of proof in support of its Objections.[2] A copy of the Objections was served on the Employer. After first setting forth the Board's standards for setting aside elections and for evaluating offers of proof, I address the Objections, cited verbatim, below.

Board Standards for Setting Aside Elections and for Evaluating Offers of Proof

"Representation elections are not lightly set aside" *NLRB v. Hood Furniture Mfg. Co.,* 941 F.2d 325, 328 (5th Cir. 1991) (citations omitted) and "[t]here is a strong presumption that ballots cast under specific NLRB procedural safeguards reflect the true desires of the employees." *Id.* at 328. The objecting party bears the "entire burden" of showing evidence that misconduct warrants overturning the election. *Id.* at 328. The burden of proof is on the party seeking to set aside a Board-supervised election, and that burden is a "heavy one." *Lalique N.A., Inc.,* 339 NLRB 1119, 1122 (2003); *Chicago Metallic Corp.,* 273 NLRB 1677, 1704 fn. 163 (1985). The objecting party's burden encompasses every aspect of a *prima facie* case. *Sanitas Service Corp.,* 272 NLRB 119, 120 (1984).

The standard used to determine whether objectionable conduct occurred varies depending upon who is alleged to have committed the misconduct. Where the objecting party alleges that the other party to the election, or its agent, committed the objectionable conduct, the objecting party must show not only that the acts occurred, but also that they "interfered with the employees exercise of free choice to such an extent that they materially affected the results of an election." *NLRB v. Gulf States Canners,* 634 F.2d 215, 216 (5th Cir. 1981). *See Cedars-Sinai Medical Center,* 342 NLRB 596, 597 (2004) (citing *Cambridge Tool & Mfg. Co.,* 316 NLRB 716 (1995) - conduct is objectionable "if it has the tendency to interfere with the employees' freedom of choice.").

Section 102.69(a) of the Board's Rules and Regulations provides that when filing objections to an election, a party must include a short statement of the reasons for the objections, and an offer of proof in the form described in Section 102.66(c). Section 102.66(c) of the Board's Rules and Regulation provides that the offer of proof shall identify "each witness the party would call to testify concerning the issue and summarizing each witness testimony." If the Regional Director determines that the evidence described in an offer of proof is insufficient to sustain the proponent's position, the evidence shall not be received.

If the Regional Director determines that the evidence described in an offer of proof accompanying objections "would not constitute grounds for setting aside the election if

[2] Only conduct which occurred during the "critical period" (between the October 17 filing date of the petition and the November 14 date of the election) can form the basis for objectionable conduct. *E.L.C. Electric, Inc.* 344 NLRB 188, 189, n. 6 (2005), citing *Ideal Electric Co.* 134 NLRB 1275 (1961).

introduced at a hearing, the Regional Director shall issue a decision disposing of the objections." Section 102.69(c)(1)(i) of the Board's Rules and Regulations. See also NLRB Casehandling Manual, Part Two- Representation Proceedings, Sec. 11395.1.

The Board recognizes that the objecting party bears the burden of furnishing evidence or a description of evidence that, if credited at hearing, would warrant setting aside the election. *Jacmar Food Service Distribution,* 365 NLRB No. 35, slip. op. 1, fn. 2 (2017), citing *Transcare New York, Inc.,* 355 NLRB 326 (2010). The Board has repeatedly upheld Regional Directors' decisions to overrule objections when the supporting offer of proof is deficient. See e.g., *Builders Insulation, Inc.,* 338 NLRB 793 (2003); *The Daily Grind,* 337 NLRB 655 (2002) (unsupported allegations are insufficient to trigger administrative investigations); *Heartland of Martinsburg,* 313 NLRB 655 (1994); *Holladay Corp.,* 266 NLRB 621 (1983); *North Shore Ambulance,* 2017 WL 1737910 (NLRB) (May 3, 2017) (Citing *Park Chevrolet-Geo, Inc.,* 308 NLRB 1010, 1010 fn. 1(1992), and Secs. 102.69(a) and 102.69(c)(1)(i) of the Board's Rules and Regulations, wherein the Board held that the Regional Director properly overruled the Employer's Objection "without a hearing based on the Employer's deficient offer of proof').

In *XPO Logistics Freight, Inc.,* 2017 WL 1294849, fn. 1 (Apr. 6, 2017), the Board denied the employer's request for review of the Regional Director's decision overruling objections and issuing a certification of representative where the employer's evidence in support of its objections failed to "constitute grounds for setting aside the election if introduced at a hearing under Sec. 106.67 (c)(1)(i)." With respect to one of the objections in that case, the Board noted that the employer "neither identified the alleged Union agents or supporters who purportedly threatened employees into supporting the Union, nor specified the objectionable statements they assertedly made." *Id.* The Board went on to explain that its conclusion that the employer's offer of proof was deficient "stems not from its failure to submit a voluminous offer of proof, but from the Employer's failure to allege and support conduct which, if credited, *would* warrant setting aside the election." Citing NLRB Casehandling Manual, Part Two- Representation Proceedings, Sec. 11395.1. (emphasis in original).

In *XPO Logistics Freight, Inc.,* 365 NLRB No. 105. fn. 1(2017), the test-of-certification case that arose after the Board's denial of the employer's request for review, supra, the Board granted the General Counsel's motion for summary judgment. The employer then appealed the Board's decision to the Court of Appeals for the District of Columbia. In denying the employer's petition for review that challenged the Board's decision to overrule its objections without a hearing in the underlying representation case, the D.C. Circuit noted that an evidentiary hearing is "called for only when a party makes a *prima facie* showing of substantial and material issue of fact, which if true, would warrant setting aside the election." *XPO Logistics Freight, Inc. v. NLRB,* 2018 WL 2943938, *2 (D.C. Cir. May 25, 2018) (citations omitted). The Court also noted that the *prima facie* showing "cannot be conclusory" and must "point to specific events and specific people." *Id.* (citations omitted). It therefore agreed that the employer's offer of proof was "devoid of factual specifics about who said or did what to whom that, if credited by a factfinder," could support a determination that the conduct was coercive. *Id.*

My Determinations

After carefully considering the Petitioner's Objections, its Offer of Proof, the Board's Rules, the Board's Casehandling Manual, Part Two-Representation Proceedings, and extant law, I have determined that it is appropriate to issue a Notice of Hearing with respect to Petitioner's Objection Nos. 2, 4, 5, 6, 8, 9, 12, 14, and 16, as the Offer of Proof (Offer) is sufficient to warrant a hearing. I have further determined that the Petitioner's accompanying Offer for the remaining Objections (Objection Nos. 1, 3, 7, 10, 11, 13, 15, and 17) is deficient and would not constitute grounds for setting aside the election if introduced at a hearing. Accordingly, I shall overrule them, as explained more fully below.

Objections for Hearing

Objection No. 2

> On election day, the Employer, by and through its managers, supervisors, or other agents, scheduled employees at least four hours of work so that they could vote, but did not require them to actually work. This was done in such a manner that employees would reasonably perceive that they were being paid by the employer to come vote, rather than to work. Such conduct, whether viewed by itself or in combination with other objectionable conduct, had a material effect on the outcome of the election.

In support of this Objection, Petitioner's witnesses will testify that the Employer scheduled employees to work for four hours on election day, but did not require them to actually work. Rather, it effectively paid employees, who were otherwise not scheduled to work, substantially more than their travel expenses to show up and vote. See e.g., *Sunrise Rehabilitation Hospital*, 320 NLRB 212 (1995).

Objection No. 4

> During the critical period, the Employer, by and through its managers, supervisors, or other agents, threatened employees that they could lose hours, lose an anniversary date raise, and lose other job benefits if the union were voted in. Such conduct, whether viewed by itself or in combination with other objectionable conduct, had a material effect on the outcome of the election.

In support of Objection No. 4, Petitioner's witnesses will testify that Manager Yoki (surname unknown), Housekeeping Coordinator Lisa (surname unknown), and Employer Agent Jessica (surname unknown) told employees that they would lose hours if the Petitioner prevailed in the election. Jessica also allegedly told employees that they would lose multiple benefits, including "anniversary date raises."

Objection Nos. 5 and 12:

> (No. 5) During the critical period, the Employer, by and through its managers, supervisors, or other agents, aggressively confronted pro-union employees who were distributing cupcakes bearing a pro-union message in the cafeteria about what they were doing and whether they were allowed to be there. This coercive conduct was committed in the presence of, and observed by, other employees. At one point, a manager took the cupcakes and offered them to other employees, demanding to know if they wanted to take one. This constituted objectionable polling and communicated a threatening message to onlookers. Such conduct, whether viewed by itself or in combination with other objectionable conduct, had a material effect on the outcome of the election.
>
> (No. 12) During the critical period, the Employer, by and through its manager, supervisors, or other agents, freely permitted anti-Petitioner employees to access the workplace during non-work days and at other off-duty times. In contrast, the Employer confronted pro-union employees who were on the premises during non-work or off duty times regarding their presence. Such conduct, whether viewed by itself or in combination with other objectionable conduct, had a material effect on the outcome of the election.

These Objections raise related issues and shall be addressed together. Petitioner's witnesses will testify that the Employer's General Manager and its Housekeeping Manager, Loung Bahn, interfered with pro-Petitioner off-duty employees who were in the cafeteria distributing cupcakes bearing a pro-Petitioner message. According to the witnesses, in the presence of other employees, Bahn demanded to know whether the off-duty employees were permitted in the cafeteria and then proceeded to grab the cupcakes and offer them to other employees. When the employees declined, Bahn loudly proclaimed that "See, no one wants the union (Petitioner)!" Petitioner's witnesses will testify that the Employer discriminatorily permitted anti-Petitioner off-duty employees to campaign and distribute anti-Petitioner messages on its premises. Petitioner asserts that the above conduct is tantamount to objectionable interference, polling, and discrimination. See e.g., *A.O. Smith Automotive Products, Co*., 315 NLRB 994 (1994); and *Metaldyne Corp.,* 339 NLRB 352 (2003).

Objection No. 6:

> During the critical period, the Employer, by and through its managers, supervisors, or other agents, engaged in coercive conduct by gathering employees to take group photographs with David Marriott in which one employee in the group held a sign with an anti-union message ("Vote No"), and then by publishing those photographs around the workplace. At least two of the employees objected to joining in the photograph, but were required to do so by a manager. Moreover, at least two of the employees did not know that there was a Vote No sign displayed in the photograph and/or did not consent to having their photographs taken for use in anti-union campaign material. Such conduct, whether viewed by itself or in combination with other objectionable conduct, had a material effect on the outcome of the election.

In support of this Objection, Petitioner's witnesses will testify that Manager Bahn required employees to pose in an anti-Petitioner photograph, as described above. Because this Objection raises material and substantial issues of fact, I shall set it for hearing. See e.g., *Durham School Services*, 360 NLRB No.108 (2014).

Objection No. 8:

> During the critical period, a supervisor told an employee that the employee was not scheduled to work on election day, and that if the employee showed up to vote, the supervisor would know that the employee had voted "yes." Such conduct, whether viewed by itself or in combination with other objectionable conduct, had a material effect on the outcome of the election.

Petitioner's witness will testify that Manager Bahn told her, "You are off on Thursday. If you come in to vote, I will know that you voted yes."

Objection No. 9:

> During the critical period, a supervisor told an employee that the employee was not eligible to vote in the election because the employee didn't work enough hours. The supervisor further told the employee that if the employee were eligible to vote, the supervisor would text the employee. The employee was in fact eligible to vote, and the supervisor did not text the employee. Such conduct, whether viewed by itself or in combination with other objectionable conduct, had a material effect on the outcome of the election.

In support of this Objection, Petitioner's witness will testify that the Chef (an alleged Employer agent) told a steward employee that, "You can't vote. You don't work enough hours. If you can vote, I'll text you." She never received the text and did not vote.

Objection No. 14:

> During the critical period, the Employer, by and through its managers, supervisors, or other agents, coercively denigrated union supporters by singling them out for ridicule, accusing them of being liars, and accusing them of being paid by the union. These accusations were made orally during captive audience meetings and then reinforced through leaflets distributed at the workplace. Such conduct, whether viewed by itself or in combination with other objectionable conduct, had a material effect on the outcome of the election.

Petitioner's witnesses will testify that Employer Agent Jessica singled out and accused named Petitioner supporters of being paid by the Petitioner to organize the hotel. Petitioner's witnesses will be permitted to testify in this regard. However, with regard to the bare allegation that "anonymous" leaflets "were distributed" at the workplace, Petitioner did not identify the

Employer agent(s) or third parties who allegedly distributed the leaflets.[3] This portion of the Offer is therefore deficient and is rejected, and Petitioner's witnesses will not be permitted to testify about these non-probative leaflets. *XPO Logistics Freight, Inc. v. NLRB,* 2018 WL 2943938, *2 (D.C. Cir. May 25, 2018) (citations omitted).

Objection No.16:

> During the critical period, the Employer, by and through its managers, supervisors, or other agents, solicited employee grievances and promised to resolve them as an inducement for employees to vote against the Union. The Employer actually did resolve significant grievances. Such conduct had a material effect on the outcome of the election.

Petitioner's witnesses will testify that alleged Employer Agent Carlos Cartaya solicited grievances and remedied one regarding the reinstatement of the weekend buffet, which resulted in preservation of scheduled hours. Petitioner's witnesses will be permitted to testify regarding Cartaya's alleged status as an Employer agent under Section 2(13) of the Act and the conduct attributed to him. However, concerning the proffered testimony that includes meetings in which Cartaya's unnamed "crew" members asked employees, "What needs to be fixed? We're here to fix things," that non-specific, non-probative testimony will not be permitted. Similarly, to the extent that one employee reportedly told another employee that an unidentified individual instructed him to fix a dishwasher "before the election," that hearsay testimony is likewise insufficient to warrant a hearing. Testimony in that regard will not be allowed. *Builders Insulation, Inc.*; *XPO Logistics Freight, Inc. v. NLRB,* supra.

Objections I Overrule:

Objection No. 1

> On election day and at other times during the critical period, the Employer permitted and/or provided assistance to anti-union employees to campaign against the union while on the clock. Such conduct, whether viewed by itself or in combination with other objectionable conduct, had a material effect on the outcome of the election.

In support of this Objection, the Petitioner proffered testimony from several witnesses who would testify that several employees spent extensive periods of time campaigning against the Petitioner while "on the clock and in uniform." The Petitioner further submits that these employees were witnessed and/or assisted by multiple managers. However, the Petitioner failed to provide the names and/or titles of the managers, supervisors and/or Employer agents who allegedly witnessed and permitted the conduct that was described above in general and

[3] Assuming for the sake of analysis that these "anonymous" leaflets were distributed by unidentified third parties, I note that the nature of the messages conveyed would not "so substantially impair the employees' exercise of free choice as to require that the election be set aside." *Independence Residences, Inc*., 355 NLRB 724 (2010); quoting *Hollingsworth Management Services,* 342 NLRB 556 (2004); *Rheem Mfg. Co.,* 309 NLRB 459, 463 (1992).

conclusory fashion. The Offer also lacks details relating to the manner in which unidentified managers assisted employees with the objectionable conduct. The Offer is thus insufficient to raise material and substantial issues of fact that would warrant a hearing. *XPO Logistics Freight, Inc. v. NLRB,* supra.

Objection No. 3

> During the critical period, the Employer, by and through its managers, supervisors, or other agents, paid anti-union employees to attend anti-union meetings. These employees did not merely attend such meetings on the same basis as other employees, but were deputized to spend significant portions of their days engaged in anti-union campaigning. Such conduct, whether viewed by itself or in combination with other objectionable conduct, had a material effect on the outcome of the election.

To support this Objection, Petitioner proffered one witness who would testify that he was recruited by unnamed individuals to attend multiple anti-Petitioner meetings and that he was assigned "a role" during one of those meetings. He would testify that he was paid overtime on the day that he attended multiple meetings. Other witnesses would testify that anti-Petitioner employees also attended multiple anti-union meetings on the same day.

Notwithstanding the proffered testimony, Petitioner's Offer lacks the specificity required to warrant a hearing. For example, it does not identify the managers or Employer agents who allegedly recruited employees, who conducted the meetings, and it does not include any explanation or context regarding what transpired at these meetings or the witness's assigned "role" and who assigned it to him. Also missing are details surrounding the overtime pay that the witness and potentially other unnamed employees received, impliedly as a result of attending these meetings and, presumably, as authorized by Employer agents who are not identified. Faced with these crucial omissions, I conclude that the Petitioner has not proffered "evidence that raises substantial and material factual issues" warranting a hearing. *XPO Logistics Freight, Inc. v. NLRB,* supra.

Objection No. 7

> During the critical period, the Employer, by and through its managers, supervisors, or other agents, coercively interrogated at least two employees regarding matters related to the union in the guise of investigating alleged misconduct. In addition, the Employer admonished these employees against discussing required (sic) the interrogations with anyone. Such conduct, whether viewed by itself or in combination with other objectionable conduct, had a material effect on the outcome of the election.

Petitioner's witnesses would testify that they were "interrogated by management" regarding alleged misconduct that was closely related to their protected activities. One witness would testify that she was accused of "harassing" coworkers in connection with her discussions about the Petitioner. The other witness would testify that he was accused of "passing money to coworkers" when she was distributing flyers in support of Petitioner. The witnesses would

further testify that management subsequently forced them to sign forms stating they would not discuss the content of the meetings with anyone. However, the Petitioner's Offer fails to identify, by name or by title, the Employer agents who allegedly engaged in the objectionable conduct, and it lacks the specificity required to warrant a hearing. Again, in order to warrant a hearing, "the *prima facie* showing 'cannot be conclusory' and must 'point to specific events and specific people.'" *XPO Logistics Freight, Inc. v. NLRB,* supra.

Objection No. 10

> During the critical period, the Employer, by and through its managers, supervisors, or other agents, sponsored and assisted anti-union employees by producing and printing anti-union material at its own expense. The Employer distributed this material around the workplace, or provided it to employees to distribute around the workplace. Such conduct, whether viewed by itself or in combination with other objectionable conduct, had a material effect on the outcome of the election.

In support of this Objection, Petitioner's witnesses would testify generally that the Employer provided voluminous amounts of materials, such as anti-Petitioner leaflets and insignia to employees. Petitioner argues that the volume and diversity of the materials along with the content of the materials, which "was synchronized to reflect talking points that the Employer's anti-union consultants were communicating during captive audience meetings," shows that it was produced and paid for by the Employer. However, the Offer did not identify any of the Employer agents who purportedly provided the leaflets or the manner in which they did so. This conclusory Offer lacks the specificity required to warrant a hearing. *XPO Logistics Freight, Inc. v. NLRB,* supra.

Objection No. 11

> During the critical period, the Employer, by and through its managers, supervisors, or other agents, showed favoritism to anti-union employees by permitting them to distribute and post anti-union material around the workplace without enforcing its policies governing solicitation and distribution of literature against them. Such conduct, whether viewed by itself or in combination with other objectionable conduct, had a material effect on the outcome of the election.

Petitioner's witnesses would testify that anti-Petitioner employees were permitted to distribute anti-Petitioner propaganda during working hours and in work areas of the hotel. They would identify work areas of the hotel, along with other areas where distribution and solicitation are not usually allowed, that contained anti-Petitioner materials. They would assert that the Employer did not enforce its handbook rule prohibiting such activity with regards to anti-Petitioner employees. However, the Offer does not identify the managers, supervisors, or other Employer agents who witnessed and "allowed" the unidentified anti-Petitioner employees to engage in activities prohibited by the Employer's handbook. The Offer also lacks specificity regarding the alleged conduct by which Employer agents "allowed" the objectionable conduct to

occur. Accordingly, a hearing is not warranted over Objection No. 11. *XPO Logistics Freight, Inc. v. NLRB,* supra.

Objection No. 13

> During the critical period, the Employer, by and through its managers, supervisors, or other agents, offered benefits to employees of more than trivial value as an encouragement to vote against the union. This included offering an employee to have her nails done at a salon and other inducements. Such conduct, whether viewed by itself or in combination with other objectionable conduct, had a material effect on the outcome of the election.

Petitioner proffered one witness who would testify that a named manager offered to take her to have her nails done. However, the Offer does not provide any foundation or context in which the offer arose. There is no stated quid pro quo or asserted nexus to the election. Without more, a manager's offer to take one employee to a nail salon, standing alone, is insufficient to warrant a hearing. *See e.g., Allen Tyler & Son, Inc.,* 234 NLRB 212, 212 (1978) ("In the absence of any probative evidence, [the Board] shall not require or insist that the Regional Director conduct a further investigation simply on the basis of a 'suspicious set of circumstances'").

Objection No. 15

> During the critical period, lockers belonging to pro-union employees were broken into and material showing employees' names on pro-union documents were stolen. These materials were then turned into anti-union propaganda and distributed at the workplace, thus publicizing employees' protected section 7 activity without their consent. It is believed that the Employer was responsible for the theft because only the Employer had access to employees' lockers. Whether or not the Employer was responsible for the material, the publication and circulation of employee's section 7-protected expressions of union support without their consent was so egregious that it interfered with the conduct of the election.

To support this Objection, Petitioner's witnesses would testify that pro-Petitioner employees' lockers were broken into and that materials stolen out of the lockers were used for anti-Petitioner leaflets. Finally, witnesses would testify that only "management" holds the keys to the lockers. However, the Offer does not identify the purported Employer agent(s) who hold the keys or who allegedly opened the lockers and engaged in the ensuing leaflet conduct. Accordingly, the Offer is deficient and does not raise material issues of fact that would warrant a hearing. *Allen Tyler & Son, Inc.,* supra.

Objection 17

> During the critical period, various witnesses will testify that a leaflet was circulated that denigrated a Board settlement that reinstated John Elrod to his job, calling him a "whiner."

The Offer fails to identify the actor that created and/or circulated the leaflet. Accordingly, it cannot be attributed to a party to the election. To the extent that a nonparty circulated the leaflet, the message conveyed would not "so substantially impair the employees' exercise of free choice as to require that the election be set aside." *Independence Residences, Inc*., supra, quoting *Hollingsworth Management Services; Rheem Mfg. Co*., supra. Thus, a hearing is not warranted over this Objection, much less overturning the election results.

CONCLUSIONS

Pursuant to Section 102.69(c)(1)(ii) of the Board's Rules and Regulations, I hereby order that a hearing be conducted on Objections No. 2, 4, 5, 6, 8, 9, 12, 14, and 16, as specified above, to determine whether the election should be set aside and a new election conducted. For the reasons discussed above, I overrule Petitioner's Objections Nos. 1, 3, 7, 10, 11, 13, 15, and 17 in their entirety.

NOTICE OF HEARING

YOU ARE HEREBY NOTIFIED that at **9:30 AM** on Thursday **December 19, 2019** at the National Labor Relations Board offices located at 901 Market Street, Suite 400, San Francisco, CA 94103, an Objections hearing, limited to the Petitioner's Objections No. 2, 4, 5, 6, 8, 9, 12, 14, and 16, as outlined in this Order, will be conducted before a hearing officer of the National Labor Relations Board. The hearing will continue on consecutive days thereafter until completed unless I determine that extraordinary circumstances warrant otherwise.

RIGHT TO REQUEST REVIEW

Pursuant to Section 102.67(c) of the Board's Rules and Regulations, you may obtain a review of this action by filing a request with the Executive Secretary of the National Labor Relations Board. The request for review must conform to the requirements of Section 102.67(d) and (e) of the Board's Rules and Regulations and must be filed by December 20, 2019.

A request for review may be E-Filed through the Agency's website but may not be filed by facsimile. To E-File the request for review, go to www.nlrb.gov, select E-File Documents, enter the NLRB Case Number, and follow the detailed instructions. If not E-Filed, the request for review should be addressed to the Executive Secretary, National Labor Relations Board, 1015 Half Street SE, Washington, DC 20570-0001. A party filing a request for review must serve a copy of the request on the other parties and file a copy with the Regional Director. A certificate of service must be filed with the Board together with the request for review.

Dated: December 6, 2019

/s/ Jill Coffman

JILL H. COFFMAN
REGIONAL DIRECTOR
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